

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
June 21, 2011

In the Matter of TAYLOR/HELBIG, Minors.

No. 301275
Wayne Circuit Court
Family Division
LC No. 10-495865

Before: METER, P.J., and CAVANAGH and SERVITTO, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to three minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(iii), (g), (j), and (k)(iii). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence and that termination of parental rights is in the children's best interests. *In re Trejo*, 462 Mich 341, 354-356; 612 NW2d 407 (2000); MCL 712A.19b(5). This Court reviews the finding that statutory grounds were established and the court's best-interests determination under the clearly erroneous standard. *Trejo*, 462 Mich at 356-357; MCR 3.977(K). After reviewing the record, we conclude that the trial court did not clearly err. The statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence and termination of respondent's parental rights was plainly in the children's best interests.

The trial court found highly credible the testimony by respondent's 16-year-old daughter and the Children's Protective Services worker assigned to the case. Regard is to be given to the "special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that on July 4, 2010, during an altercation between respondent and her daughter, respondent struck the teenager several times in the face with a closed fist. The assault lasted approximately ten minutes. The child suffered bruising around the face, and her right eye was severely blackened and nearly swollen shut. Respondent's daughter also sustained broken blood vessels in the eye that took weeks to heal. This was not the first time respondent struck her daughter. In fact, excessive physical "discipline" had been occurring since the teenager was approximately nine years old. Respondent was usually careful to strike her daughter around the lower extremities so that marks that were left were not clearly visible. Respondent also struck her sons and, on one occasion, gave one of the boys a bloody nose.

There was also persuasive evidence that respondent's daughter was repeatedly sexually abused by respondent's long-term, live-in boyfriend and that the daughter informed respondent about it. The boyfriend also struck respondent's sons with a belt, sometimes hitting them at respondent's request. There was evidence that respondent and her boyfriend smoked marijuana daily in the children's presence and sold drugs in the home. Two years before they were removed, the children witnessed a police raid of their home.

The evidence further established that respondent minimized the events that transpired. She consistently denied having assaulted her daughter and continued to assert that the child struck her face on the corner of a table. Respondent further denied ever striking her children, either with her hand or a belt. Respondent also denied that her daughter was ever sexually abused or that her daughter ever disclosed being sexually abused by respondent's live-in boyfriend. Despite testing positive for marijuana and prescription medications, respondent continually denied using marijuana and contended that the medications were being used consistently with prescriptions and not for recreational purposes. She denied having a substance abuse problem. Respondent indicated that she would continue her relationship with her boyfriend and represented that they planned to marry.

Based on the foregoing evidence, the trial court did not err when it found several statutory grounds to support termination of respondent's parental rights. The children suffered physical and sexual abuse at the hands of respondent and her boyfriend and it was unlikely that this abuse would stop if the children were returned to respondent's care. Respondent was in complete denial of the physical, sexual, and substance abuse, and she continued to maintain a live-in relationship with a man she knew had sexually assaulted her daughter.

For her sole claim of error, respondent contends that the main basis on which the trial court terminated her parental rights was a finding that her boyfriend would perpetrate sexual abuse in the future. Respondent contends that there was not clear and convincing evidence to support this finding. We disagree with this assertion, especially given the absence of evidence that the boyfriend had undergone any sort of treatment. In any event, based on a review of the evidence and the trial court's findings, it is clear that the likelihood that the boyfriend would sexually abuse a child again was only one of many factors that the court considered when it found that adequate statutory grounds existed to terminate respondent's parental rights. The trial court did not clearly err in its decision.

Affirmed.

/s/ Patrick M. Meter
/s/ Mark J. Cavanagh
/s/ Deborah A. Servitto